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POLICE ACCOUNTABILITY, RASHIDAH
GRINAGE, SAIED KARAMOOZ, ANNE JANKS
AND JOHN JONES, III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,)	CASE NO. C00-cv-04599-WHO
Plaintiffs,)	
v.)	DECLARATION OF CATHY LEONARD IN
)	SUPPORT OF THE INTERVENORS'
)	MOTION TO INTERVENE AS OF RIGHT, OR
CITY OF OAKLAND, et al.,)	IN THE ALTERNATIVE, PERMISSIVE
)	INTERVENTION
Defendants.)	
)	DATE: MAY 8, 2019
)	TIME: 2:00 P.M.
)	DEPT: 2, 17 TH FLOOR

I, CATHY LEONARD, hereby declare:

1. I make this Declaration on personal knowledge in support of the Coalition for Police Accountability and other community representatives' Motion to intervene in this action.

2. I am a resident and native of Oakland, California. I have lived in Oakland for the majority of my life. During that time, I have been a witness to the disparate treatment of African-Americans in the Oakland community.

3. I have been involved in volunteer community and public service for years on behalf of Oaklanders, i.e.

1 a. I am the co-founder, former co-chair and former public safety
2 co-chair of nonprofit Santa Fe Community Association & Neighbors
(which I co-founded) and represented the interests of neighborhood
3 residents and businesses.

4 b. I am a board member of the Golden Gate Community
5 Association, whose mission is to address the present and future needs
6 of our underserved community.

7 c. I am the District 1 Community Development Block Grant
8 board member. The CDBG board allocates funding for social services
9 and capital infrastructure improvements to disadvantaged
10 communities based on the population of low- and moderate income
11 residents.

12 d. I am a Steering Committee member of the Coalition for Police
13 Accountability which advocates for accountability of the Oakland
14 Police Department to the community so that the Oakland Police
15 Department operates with equitable, just, constitutional, transparent
16 policies and practices that reflect the values and engender the trust of
17 the community.

18 e. I regularly attend Police Commission hearings and Oakland
19 City Council meetings, and on occasion attend the Oakland City
20 Council's Public Safety Committee and other City committee
21 meetings. I speak at all of these meetings. I also attend community
22 meetings and engage with Oaklanders all over the City on behalf of
23 the Oakland Neighborhoods for Equity (soon to gain nonprofit status)
24 in an effort to ensure that Oakland's most vulnerable communities are
25 being served.

26 4. At all of the City meetings listed in Item 3 above, I make continual demands that
27 Oakland Police Department complete the Negotiated Settlement Agreement (hereinafter referred to
28 as "NSA"), cease racial profiling, cease indiscriminate shootings of Black and Brown citizens, and
cease wasting taxpayers' precious resources. Citizens are paying an inordinate amount of money to
support a police department that does not serve our City's and citizens' interest. Just last year, our
City paid over \$12 million dollars in lawsuits due to misconduct and failure to follow procedures,
with no end in sight. We have paid out millions in court monitoring and court compliance fees,
with no end in sight. I have watched as Chief Kirkpatrick rewarded police officers with promotions
when they were guilty of cover-ups within the department. "Outlier" police officers remain on the
City's payroll without being disciplined. Millions of dollars are spent in unbudgeted police
overtime with no end in sight. This police department is unable to police itself, rein in

1 overspending, discipline its officers, and it continues to violate the civil rights of its Black and
2 Brown citizens, while we pay the price.

3 5. For many years now, Oakland has in the grip of an ever increasing affordability
4 housing crisis which has forced thousands of poor and working poor into homelessness. There are
5 homeless camps and curbside communities in each of the seven (7) districts in Oakland. I
6 personally receive donations of clothes and toiletries to donate to these communities. I believe that
7 the millions of dollars which have been spent during the never ending life of this NSA could have
8 been used to assist our disadvantaged communities, many who have been displaced through no fault
9 of their own.

10 6. I have followed this case practically since its inception. I see no real change in the
11 culture of the Oakland Police Department toward the people they have sworn to protect and serve. I
12 believe that community involvement at this stage is imperative and will expedite the transformation
13 of our police department and dramatically improve community-police relations.

14 7. Unlike most Department of Justice consent decrees (including the one in Maricopa
15 County where Robert Warshaw and Jim Chanin are both court appointed monitors), our NSA lacks
16 any provision for community involvement or engagement in the implementation of the mandated
17 reforms. I believe this is one of the reasons why compliance has been delayed and has suffered
18 many setbacks for so many years.

19 8. Since March 2014, I have served as a board member of the Community Policing
20 Advisory Board for the City of Oakland.

21 9. The Community Policing Advisory Board was established in 1996 to (in pertinent
22 part):

23 a. Monitor and report to the Mayor and City Council on the implementation of
24 community policing as described in Resolution 79235;

25 b. Provide recommendations to the Mayor, City Council, and City staff on steps
26 to improve community policing;

27 c. Serve as advisors to the Chief of Police and police command staff on
community policing matters;

28 d. Maintain communication between the Police Department and the

1 neighborhood Crime Prevention Councils and Neighborhood Watch groups and Merchants Watch
groups;

2 e. Assist in educating and informing the public about community policing, its
current progress and its direction . . .

3
4 10. Oakland City Council Resolution 79235, "Section 5 – Citywide Organization"
5 provides in pertinent part:

6 "Section 5.8 "The City Administrator or his designated representative
and Chief of Police *shall* attend advisory board meetings and provide
7 the advisory board with all information it deems necessary to carry
out its responsibilities." [Emphasis mine]

8 I attend these meetings regularly as a member of the Advisory Board. Unlike the City
9 Administrator, the Chief has no discretion to send her "designated representative" to the CPAB
10 meeting. During her entire tenure as the chief of police, Chief Anne Kirkpatrick has not attended
11 even one of our meetings, she sends command staff. Many times community members have asked
12 questions and sometimes command staff cannot answer the question, have to confer with the Chief
13 and come back later with an answer. This is disruptive to the process and the flow of vital
14 information. I believe Chief Kirkpatrick does not take community policing seriously, otherwise she
15 would attend every meeting as mandated by Resolution 79235.

16
17 11. Based on my many years of community service and experience addressing public
18 safety in Oakland, I am very familiar with the provisions of the NSA and the numerous Orders
19 issued by the Court and the City's consistent resistance to compliance with this Court's Orders. To
20 me, this signifies that Chief Kirkpatrick does not take this Court's Orders seriously either.

21 12. I voted for Measure LL and urged Oaklanders to do the same since it was clear to me
22 that Defendant City of Oakland (which includes our Mayor, City Administrator and prior and
23 present police chiefs) was unable or unwilling to manage the police department. I believed that a
24 change in the City Charter would be required to shift that responsibility to an independent civilian
25 oversight body. The voters agreed. Measure LL passed overwhelmingly with over 83% of the
26 ballots cast in its favor. Since that time defendant City of Oakland has erected barriers to the full
27 implementation of Measure LL, the enabling ordinance, and the Police Commission. The Police
28 Commission still does not have the requisite staff to do its mandate.

1 13. Sadly, I am not surprised that, after agreeing to complete the set of reforms
2 contained in the NSA within five years (which would be 2008), the police department remains out
3 of compliance with the most central reforms that deal with the use of force, filing false reports,
4 flawed investigations and racial profiling.

5 14. Due to failed leadership, I believe the police department is incapable of learning
6 from their past mistakes. For example, in 2015, OPD officers killed Demouria Hogg while he was
7 asleep in his vehicle. Last year, the police department unleashed a barrage of bullets into Joshua
8 Pawlik, who was also sleeping and moved when they woke him up. Police tanks were present at
9 each shooting. It is time for the intervenors to enter this case and represent the citizens of Oakland.

10 15. I was shocked and stunned by the killing just 14 blocks from my home in North
11 Oakland. In March 2019, I learned of the circumstances under which Mr. Pawlik died. When I
12 learned of the deeply flawed OPD investigation and Chief Anne Kirkpatrick's "disciplinary
13 actions," I was extremely upset and felt compelled to prepare this declaration.

14 16. I fully support the request by the Coalition for Police Accountability for the
15 Court-appointed Monitor Robert Warshaw to terminate Chief Anne Kirkpatrick and was present on
16 the steps of City Hall at the rally calling for her termination.

17 17. I agree with Mr. Warshaw's assessment that Chief Kirkpatrick's analysis of the use
18 of force that resulted in the death of Joshua Pawlik was "disappointing and myopic."

19 18. I am also appalled at the conduct of the Oakland Police Department in other
20 instances. I was present at the City Council meeting where the Council was asked to approve the
21 following settlements:

- 22 a. Approximately \$60,000 to an African-American minor child who was either
23 punched or slapped in the face by an Oakland police officer. I am informed
24 and believe that this officer is still employed by OPD.
- 25 b. Approximately \$12 million to a man run over by an Oakland police officer
26 who ran a red light in violation of department policy. The man suffered a leg
27 amputation, his pelvis and vertebrae were fractured, and as he lay partially
28 paralyzed was berated by the officer and accused of running the red light.
 The officer denied running a red light. Video footage from a business showed
 that the officer clearly ran a red light when he struck the motorcyclist. Lying
 is a fireable offense yet I am informed and believe that this officer is still
 employed by OPD.

19. I am informed and believe that \$989,000 was paid to a 19-year-old woman who was sexually abused by several Oakland police officers while she was a minor. Pedophile officers who attempted to cover up this sexual abuse were not disciplined.

20. I believe that the parties to the litigation have not been able to effectively curtail the use of excessive force by OPD or the practice of racial profiling that occurs every day in our City.

21. The continuing glaring deficiencies in OPD's investigations of police misconduct continue to cost the City and taxpayers millions of dollars. None of the parties to the litigation has called upon the Monitor to terminate Chief Kirkpatrick.

22. As a resident and native Oaklander, I am very concerned about lawless police misconduct, particularly when it results in physical harm or death to persons present in our City. I am very concerned about unconstitutional misconduct by our police, including the use of excessive force, racial profiling, perjury and the obstruction of justice. I am acutely aware that I risk the violation of my constitutional rights anytime I encounter an OPD officer. Other members of my immediate family live in Oakland. They too are at risk of death or injury at the hands of OPD.

23. As a resident of Oakland, I pay sales taxes and I am very aware and concerned that for the past sixteen years, my tax dollars have been used to pay for misconduct committed by Oakland police officers and the monitoring activities mandated by this Court under the NSA.

24. For all the reasons stated above, I urge this Court to grant the request of the Coalition for Police Accountability and our individual representatives to intervene in this case.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. If called as a witness, I could and would testify competently to the matters stated in this Declaration.

Executed in Oakland, California on April 2, 2019.

/s/ Cathy Leonard
CATHY LEONARD, Declarant